

SERVED: August 28, 2001

NTSB Order No. EA-4908

UNITED STATES OF AMERICA  
**NATIONAL TRANSPORTATION SAFETY BOARD**  
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24)  
on the 28th day of August, 2001

Petition of

CHRISTOPHER DEAN BAUMANN

for review of the denial by the  
Administrator of the Federal  
Aviation Administration of the  
issuance of an airman medical  
certificate.

Docket SM-4416

**ORDER DISMISSING APPEAL**

On April 27, 2001, petitioner filed a timely notice of appeal from the written decision Administrative Law Judge William E. Fowler, Jr., issued in this case on April 17, 2001, granting the Administrator's motion for summary judgment. However, petitioner did not subsequently file a timely appeal brief,<sup>1</sup> and his appeal is therefore subject to dismissal under section 821.48(a) of the Board's Rules of Practice.<sup>2</sup> See 49 CFR Part

<sup>1</sup>Petitioner's appeal brief was due (after the grant of a 30-day extension) on June 18<sup>th</sup>.

<sup>2</sup>Section 821.48(a) provides as follows:

**§ 821.48 Briefs and oral argument.**

(a) *Appeal briefs.* Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party,

821.

**ACCORDINGLY, IT IS ORDERED THAT:**

Petitioner's appeal is dismissed.<sup>3</sup>

Ronald S. Battocchi  
General Counsel

(..continued)

in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.

<sup>3</sup>On July 11, 2001, petitioner filed a document styled "PRAECIPE TO WITHDRAW HEARING REQUEST." Although it is possible that this document was intended to represent a withdrawal of petitioner's appeal to the Board from the law judge's grant of summary judgment, that intent is far from clear, especially in light of its reference to continuing settlement negotiations with the Administrator. In any event, in view of the dismissal ordered above, the request is dismissed as moot.